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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/698,600

Applicant(s)

SALO ET AL.

Examiner

Jean D. Saintcyr

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-59, filed 10/31/2003, are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 7-8, 10, 14-20, 22-23, 25, 29, 30-35, 37-38, 40, 44,45-50, 52,53, 55, 59 are rejected under 35 U.S.C. 102(e) as being anticipated by Watson et al, US No. 20040133923.

Re claim 1, Watson et al disclose a system(the content delivery system is responsible for delivering data to set top boxes, 0044) for providing broadcast content(content being broadcast, 0023), the system comprising:
a content source(content provider , 0014)comprising a continuity server capable of maintaining at least one piece of content(see fig.1, digital asset management) and a schedule(broadcast schedules, 0051), wherein the schedule specifies at least one broadcast time the content source broadcasts the at least one piece of

content(scheduling information such as dates or times when to make a movie available for viewing, and how long it should remain available, 0052) and wherein the content source(content provider , 0014) is capable of broadcasting the at least one piece of content in accordance with the schedule(the same movie may be broadcast to the set-top box several times, 0088) ; and a terminal capable of storing(see fig.1f, mass storage), in a memory(The set-top box has a processor which is capable of receiving the data stream from the broadcast signal, reassembling data, and writing data to the hard drive, 0011), at least one piece of pre-broadcast content comprising the same at least one piece of content maintained by the continuity server, wherein the terminal is capable of accessing at least one piece of pre-broadcast content from the memory in accordance with the schedule(the actual movie content on the hard disk drive is turned over periodically, as scheduled by the digital asset manager, 0092; that means the users can only access the preload content according to the schedule of the headend), and thereafter presenting the accessed at least one piece of pre-broadcast(pre-loaded, 0182) content as the content source broadcasts the same at least one piece of content (A movie may arrive and be stored in the set-top box, however it may have a start date associated with it which does not allow it to be viewed until a later date,0182; that means the users will be able to view the movie according to the schedule of the headend).

Re claim 2, Watson et al disclose wherein the terminal is capable of synchronizing the accessed at least one piece of pre-broadcast content with the same at least one piece of content broadcast by the content source before presenting the accessed at least one piece of pre-broadcast content, and wherein the terminal is capable of presenting the synchronized at least one piece of pre-broadcast content(movie content on the hard disk drive is turned over periodically, as scheduled by the digital asset manager, that means there is synchronization in the schedule where stored schedule in the set-top box needs to match the schedule at the digital asset manager,0092).

Re claim 3, Watson et al disclose wherein the terminal (see fig.1f, set-top box) is capable of storing (see fig.1f, mass storage; the method involves transmitting movies to a set-top box and allowing movies to accumulate. A hard disk drive in the set-top box is used to store movies, 0008) the at least one piece of pre-broadcast (pre-loaded, 0182) content before the content source broadcasts the same at least one piece of content (a movie may arrive and be stored in the set-top box, however it may have a start date associated with it which does not allow it to be viewed until a later date, 0182).

Re claim 4, Watson et al disclose wherein the content source(content provider , 0014; see fig.1e, content delivery system) is capable of sending to the terminal(the method involves transmitting movies to a set-top box; The content delivery system is responsible for delivering data to set top boxes, 0044), the at least one piece of content maintained by the continuity server, and wherein the terminal is capable of receiving and storing the received(see fig.1f, mass storage; the method involves transmitting movies to a set-top box and allowing movies to accumulate. A hard disk drive in the set-top box is used to store movies, 0008) at least one piece of content (the audio and video portions of the movie are transmitted in separate files, 0064) as the at least one piece of pre-broadcast content.

Re claim 5, Watson et al disclose wherein the content source is capable of at least one of encoding and transcoding the at least one piece of content and the schedule before sending the at least one piece of content (Movies distributed to subscribers are encrypted, 0041) and the schedule to the terminal (For each movie, its content, metadata, promotional and other material is collected as a single movie product, or "movie data" that is managed and scheduled for distribution. The content preparation and encoding system is also responsible for preparing data to be broadcast. Once data has been prepared and properly

encoded, it is sent back to the asset management system for storage, 0041; that means everything was encoded, including the schedule) and wherein when the content source encodes the at least one piece of content, the terminal is capable of receiving the encoded at least one piece of content, and thereafter decoding the encoded at least one piece of content (see fig.1f, MPEG Stream decoding and MPEG Video Decoder, 0161).

Re claim 7, Watson et al wherein the terminal is capable of releasing each piece of pre-broadcast content when a current time of the terminal matches the broadcast time the content source broadcasts the same piece of content, and wherein the terminal is capable of accessing at least one released piece of pre-broadcast content(movie content on the hard disk drive is turned over periodically, as scheduled by the digital asset manager,0092; that means matching schedule is required to have access to the content).

Re claim 8, Watson et al disclose wherein the content source is capable of broadcasting the at least one piece of content when a current time of the content source matches the at least one broadcast time of the schedule, and wherein the terminal is also capable of synchronizing the current time of the terminal with the current time of the content source(A movie may arrive and be stored in the set-top box, however it may have a start date associated with it which does not allow it to be viewed until a later date, 0182, that means the broadcast time of the source and the terminal needs to be matched in order to view a content).

Re claim 10, Watson et al disclose wherein the terminal is also capable of expiring (Movie Expirations , 0304; the movies are pushed down by the provider to reside passively in the box for a finite time period, 0012) each released piece of pre-broadcast(pre-loaded, 0182) content when the current time is subsequent to the broadcast time, and wherein the terminal is capable of deleting, from the

memory, at least one expired piece of pre-broadcast content(the content provider may specify an end date associated with a movie, after which date the movie can no longer be viewed, and is automatically deleted from the set-top box,0182).

Re claim 14, Watson et al disclose wherein the schedule includes at least one slot(window , 0261) specifying a broadcast time and a piece of pre-broadcast content(pre-loaded, 0182), wherein the terminal is capable of receiving at least one slot of the schedule, and wherein the terminal is capable of accessing at least one piece of pre-broadcast content in accordance with the at least one slot received by the terminal(a movie may have an associated start and end date or time,0014; that means terminal can only access the content according to time associated with it).

Re claim 15, Watson et al disclose the terminal (see fig.1f, set-top box) comprising: a memory comprising a content storage capable of storing at least one piece of pre-broadcast content (see fig.1f, mass storage; the method involves transmitting movies to a set-top box and allowing movies to accumulate. A hard disk drive in the set-top box is used to store movies, 0008) ; and a controller capable of operating a client application capable of accessing at least one piece of pre-broadcast content(there may be two processors in the set top box. For example, one is a host processor, and the other is a microcontroller. The host processor executes software that initiates reception and demodulation of the appropriate ATSC/dNTSC signals, stores files, including movie data, on the hard drive, provides a graphical user interface, performs decryption of movie content and other conditional access functions, initiates and controls playback of movie content, with interactive features, and communicates with the SMS for rental agreement and logging. The microcontroller is used to interface with the front panel and remote control, 0121) from the content storage(see fig.1f, mass storage)in accordance with a schedule specifying at least one broadcast time a

content source broadcasts the same at least one piece of content, and thereafter presenting the accessed at least one piece of pre- broadcast content as the content source broadcasts the same at least one piece of content(The actual movie content on the hard disk drive is turned over periodically, as scheduled by the digital asset manager, 0092).

Re claim 16, Watson et al disclose wherein the controller(microcontroller, 0121) is also capable of operating a synchronizing() application capable of synchronizing the accessed at least one piece of pre-broadcast content(pre-loaded, 0182) with the same at least one piece of content broadcast by the content source, and wherein the client application is capable of presenting the synchronized at least one piece of pre-broadcast content(movie content on the hard disk drive is turned over periodically, as scheduled by the digital asset manager, that means there is synchronization in the schedule where stored schedule in the set-top box needs to match the schedule at the digital asset manager,0092).

Re claim 17, Watson et al disclose wherein the content storage (see fig.1f, mass storage) of the memory is capable of storing the at least one piece of pre-broadcast (pre-loaded, 0182) content before the content source broadcasts the same at least one piece of content (The actual movie content on the hard disk drive is turned over periodically, as scheduled by the digital asset manager, 0092).

Re claim 18, Watson et al disclose a receiver(see fig.1f, set-top box) capable of receiving at least one piece of content maintained by a continuity server of a content source(the method involves transmitting movies to a set-top box; The content delivery system is responsible for delivering data to set top boxes, 0044), and wherein the content storage is capable of storing(see fig.1f, mass storage; the method involves transmitting movies to a set-top box and

allowing movies to accumulate. A hard disk drive in the set-top box is used to store movies, 0008) the received at least one piece of content as the at least one piece of pre-broadcast content(the audio and video portions of the movie are transmitted in separate files, 0064).

Re claim 19, Watson et al disclose wherein the client application is capable of accessing at least one piece of pre-broadcast content as the content source broadcasts the same at least one piece of content maintained by the continuity server and broadcast in accordance with a schedule maintained by the continuity server, wherein the schedule specifying at least one broadcast time comprises the schedule maintained by the continuity server(The actual movie content on the hard disk drive is turned over periodically, as scheduled by the digital asset manager, 0092).

Re claim 20, Watson et al disclose wherein the receiver(see fig.1f, set-top box)is capable of receiving at least one piece of content at least one of encoded and transcoded (see fig.1, content preparation & encoding; Movies are transmitted to the set-top box using a new datacasting technology which allows data to be encoded onto standard television signals and transmitted using existing television transmitters and broadcast towers, 0012) at the content source, and wherein when the content source encodes the at least one piece of content, the receiver is capable of receiving the encoded at least one piece of content, and thereafter decoding the encoded at least one piece of content(see fig.1f, PES Decryption/De-scramble; the set top box allows for the movie to be decrypted and played, 0015).

Re claim 22, Watson et al disclose wherein the controller(microcontroller, 0121) is also capable of operating a mobile continuity application(wirelessly broadcast the data, 0044) capable of releasing each piece of pre-broadcast content when a current time of the terminal matches the

broadcast time the content source broadcasts the same piece of content(The actual movie content on the hard disk drive is turned over periodically, as scheduled by the digital asset manager, 0092) , and wherein the client application is capable of accessing(provides viewers access to a library of movies, or any other audio/video content available for viewing at anytime, 0008) at least one released piece of pre-broadcast content(pre-loaded, 0182).

Re claim 23, Watson et al disclose wherein the content source broadcasts the same at least one piece of content when a current time of the content source matches the at least one broadcast time , and wherein the controller is further capable of operating a synchronizing application capable of synchronizing the current time of the terminal with the current time of the content source(movie content on the hard disk drive is turned over periodically, as scheduled by the digital asset manager, that means there is synchronization in the schedule where stored schedule in the set-top box needs to match the schedule at the digital asset manager,0092).

Re claim 25, Watson et al disclose wherein the mobile continuity application is also capable of expiring(Movie Expirations , 0304; the movies are pushed down by the provider to reside passively in the box for a finite time period, 0012) each released piece of pre-broadcast content when the current time is subsequent to the broadcast time, and wherein the controller is capable of deleting at least one expired piece of pre-broadcast content from the content storage(the content provider may specify an end date associated with a movie, after which date the movie can no longer be viewed, and is automatically deleted from the set-top box,0182).

Re claim 29, Watson et al disclose wherein the schedule includes at

least one slot specifying a broadcast time and a piece of pre-broadcast content(see fig.1a, scheduler and preload set), wherein the controller(microcontroller, 0121) is further capable of operating a mobile continuity application(wirelessly broadcast the data, 0044)capable of receiving at least one slot of the schedule, and wherein the client application is capable of accessing at least one piece of pre-broadcast content in accordance with the at least one slot(main menu of the user interface includes a window, 0017) received by the mobile continuity application(wirelessly broadcast the data, 0044).

Re claim 30, Watson et al disclose storing(see fig.1f, mass storage), in a memory of a terminal(The set-top box has a processor which is capable of receiving the data stream from the broadcast signal, reassembling data, and writing data to the hard drive, 0011), at least one piece of pre-broadcast content; accessing at least one piece of pre-broadcast content from the memory of the terminal in accordance with a schedule specifying at least one broadcast time a content source broadcasts the same at least one piece of content(the actual movie content on the hard disk drive is turned over periodically, as scheduled by the digital asset manager, 0092; that means the users can only access the preload content according to the schedule of the headend); and presenting the accessed at least one piece of pre-broadcast content(pre-loaded, 0182) as the content source broadcasts the same at least one piece of content(A movie may arrive and be stored in the set-top box, however it may have a start date associated with it which does not allow it to be viewed until a later date,0182; that means the users will be able to view the movie according to the schedule of the headend).

Re claim 31, Watson et al disclose synchronizing the accessed at least one piece of pre-broadcast content with the same at least one piece of

content broadcast by the content source, wherein presenting at least one piece of pre-broadcast content comprises presenting the synchronized at least one piece of pre-broadcast content(movie content on the hard disk drive is turned over periodically, as scheduled by the digital asset manager, that means there is synchronization in the schedule where stored schedule in the set-top box needs to match the schedule at the digital asset manager,0092).

Re claim 32, Watson et al disclose wherein storing (see fig.1f, mass storage) at least one piece of pre-broadcast content (pre-loaded, 0182) comprises storing (the method involves transmitting movies to a set-top box and allowing movies to accumulate. A hard disk drive in the set-top box is used to store movies, 0008) at least one piece of pre-broadcast content before the content source broadcasts the same at least one piece of content (a movie may arrive and be stored in the set-top box, however it may have a start date associated with it which does not allow it to be viewed until a later date, 0182).

Re claim 33, Watson et al disclose receiving, at the terminal, at least one piece of content maintained by a continuity server of a content source (the method involves transmitting movies to a set-top box; The content delivery system is responsible for delivering data to set top boxes, 0044), wherein storing at least one piece of pre-broadcast content comprises storing (see fig.1f, mass storage; the method involves transmitting movies to a set-top box and allowing movies to accumulate. A hard disk drive in the set-top box is used to store movies, 0008) the received at least one piece of content (the audio and video portions of the movie are transmitted in separate files) as at least one piece of pre-broadcast content.

Re claim 34, Watson et al disclose broadcasting, from the content source(The content delivery system is responsible for delivering data to set top

boxes, 0044), at least one piece of content(the audio and video portions of the movie are transmitted in separate files, 0012) maintained by the continuity server in accordance with a schedule maintained by the continuity server wherein the schedule specifying at least one broadcast time comprises the schedule maintained by the continuity server(a movie may arrive and be stored in the set-top box, however it may have a start date associated with it which does not allow it to be viewed until a later date. This allows for any discrepancies in transmission times for movies that may vary from one location to another, and also allows for movies such as new releases to be "pre-loaded" and immediately available on the official release date,0182),wherein accessing at least one piece of pre-broadcast content comprises accessing at least one piece of pre-broadcast content(pre-loaded, 0182) as the content source broadcasts the same at least one piece of content maintained by the continuity server(The actual movie content on the hard disk drive is turned over periodically, as scheduled by the digital asset manager, 0092).

Re claim 35, Watson et al disclose processing(see fig.1, content preparation & encoding) at least one piece of content at the content source, and thereafter sending the processed at least one piece of content to the terminal(the method involves transmitting movies to a set-top box; The content delivery system is responsible for delivering data to set top boxes, 0044), wherein processing at least one piece of content comprises at least one of encoding and transcoding at least one piece of content(Movies are transmitted to the set-top box using a new datacasting technology which allows data to be encoded onto standard television signals and transmitted using existing television transmitters and broadcast towers, 0012), wherein receiving at least one piece of content comprises receiving the processed at least one piece of content, and when the content source encodes the at least one piece of content, decoding the encoded at least one piece of content(see fig.1f, PES Decryption/De-scramble; the set top box allows for the movie to be decrypted and played, 0015) .

Claim 37 recites what was discussed with respect to claim 7.

Claim 38 recites what was discussed with respect to claim 8.

Claim 40 recites what was discussed with respect to claim 10.

Claim 44 recites what was discussed with respect to claim 14.

Re claim 45, Watson et al disclose the computer program product comprising a computer-readable storage medium (removable media, 0345) having computer-readable program code portions stored therein, the computer-readable program code portions comprising: a first executable portion for storing, in a memory of a terminal (see fig.1f, mass storage), at least one piece of pre-broadcast content (the method involves transmitting movies to a set-top box and allowing movies to accumulate. A hard disk drive in the set-top box is used to store movies, 0008) ; a second executable portion for accessing at least one piece of pre-broadcast content from the memory of the terminal in accordance with a schedule specifying at least one broadcast time a content source broadcasts the same at least one piece of content(The actual movie content on the hard disk drive is turned over periodically, as scheduled by the digital asset manager, 0092) ; and a third executable portion for presenting the accessed at least one piece of pre- broadcast content as the content source broadcasts the same at least one piece of content(see fig.1f, television).

Re claim 46, Watson et al disclose a fourth executable portion for synchronizing the accessed at least one piece of pre-broadcast content(pre-loaded, 0182) with the same at least one piece of content broadcast by the content source, wherein the third executable portion is adapted to present the synchronized at least one piece of pre-broadcast content(movie content on the hard disk drive is turned over periodically, as scheduled by the digital asset manager, that means there is synchronization in the schedule where stored

schedule in the set-top box needs to match the schedule at the digital asset manager,0092).

Re claim 47, Watson et al disclose wherein the first executable portion is adapted to store (see fig.1f, mass storage; the method involves transmitting movies to a set-top box and allowing movies to accumulate. A hard disk drive in the set-top box is used to store movies, 0008) at least one piece of pre-broadcast content (pre-loaded, 0182) before the content source broadcasts the same at least one piece of content (a movie may arrive and be stored in the set-top box, however it may have a start date associated with it which does not allow it to be viewed until a later date, 0182).

Re claim 48, Watson et al disclose a fourth executable portion for receiving, at the terminal(the method involves transmitting movies to a set-top box; The content delivery system is responsible for delivering data to set top boxes, 0044) , at least one piece of content maintained by a continuity server of a content source, wherein the first executable portion is adapted to store(see fig.1f, mass storage; the method involves transmitting movies to a set-top box and allowing movies to accumulate. A hard disk drive in the set-top box is used to store movies, 0008) the received at least one piece of content as at least one piece (the audio and video portions of the movie are transmitted in separate files, 0064)of pre-broadcast content.

Re claim 49, Watson et al disclose wherein the second executable portion(The actual movie content on the hard disk drive is turned over periodically, as scheduled by the digital asset manager, 0092) is adapted to access at least one piece of pre-broadcast content as the content source broadcasts the same at least one piece of content maintained by the continuity server and broadcast in accordance with a schedule maintained by the continuity server(see fig.1f, mass storage; the method involves transmitting movies to a set-

top box and allowing movies to accumulate. A hard disk drive in the set-top box is used to store movies, 0008), wherein the schedule specifying at least one broadcast time comprises the schedule maintained by the continuity server(The actual movie content on the hard disk drive is turned over periodically, as scheduled by the digital asset manager, 0092).

Re claim 50, Watson et al disclose ,wherein the fourth executable portion(the method involves transmitting movies to a set-top box; The content delivery system is responsible for delivering data to set top boxes, 0044) is adapted to receive at least one piece of content at least one of encoded and transcoded at the content source(see fig.1, content preparation & encoding; Movies are transmitted to the set-top box using a new datacasting technology which allows data to be encoded onto standard television signals and transmitted using existing television transmitters and broadcast towers, 0012) , and wherein when the content source encodes(Movies distributed to subscribers are encrypted , 0041) the at least one piece of content, the fourth executable portion is adapted to decode the encoded at least one piece of content(see fig.1f, PES Decryption/De-scramble; the set top box allows for the movie to be decrypted and played, 0015).

Re claim 52, Watson et al disclose a fourth executable portion for releasing each piece of pre-broadcast content when a current time of the terminal matches the broadcast time the content source broadcasts the same piece of content, wherein the second executable portion is adapted to access at least one released piece of pre-broadcast content (The actual movie content on the hard disk drive is turned over periodically, as scheduled by the digital asset manager, 0092).

Re claim 53, Watson et al disclose wherein the content source broadcasts the same at least one piece of content when a current time of the content source

matches the at least one broadcast time(The actual movie content on the hard disk drive is turned over periodically, as scheduled by the digital asset manager, 0092), and wherein the computer program product further comprises:a fifth executable portion for synchronizing the current time of the terminal with the current time of the content source(A movie may arrive and be stored in the set-top box, however it may have a start date associated with it which does not allow it to be viewed until a later date, 0182, that means the broadcast time of the source and the terminal needs to be matched in order to view a content).

Re claim 55, Watson et al disclose a fifth executable portion for expiring each released piece of pre-broadcast content when the current time is subsequent to the broadcast time(Movie Expirations , 0304; the movies are pushed down by the provider to reside passively in the box for a finite time period, 0012); and a sixth executable portion for deleting, from the memory of the terminal, at least one expired piece of pre-broadcast content(the content provider may specify an end date associated with a movie, after which date the movie can no longer be viewed, and is automatically deleted from the set-top box, 0182).

Re claim 59, Watson et al disclose wherein the schedule includes at least one slot(window , 0261) specifying a broadcast time and a piece of pre-broadcast content, and wherein the computer program product further comprises: a fourth executable portion for receiving at least one slot of the schedule at the terminal, wherein the second executable portion is adapted to access at least one piece of pre-broadcast content in accordance with the at least one slot received at the terminal(a movie may have an associated start and end date or time,0014; that means terminal can only access the content according to time associated with it).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 12, 13, 21, 27, 28, 36, 42, 43, 51, 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson et al in view of Traw et al, US No. 20030066090.

Re claim 6, Watson et al fail to disclose wherein the schedule maintained by the continuity server also specifies at least one broadcast time the content source broadcasts at least one piece of live broadcast content, wherein the terminal is capable of receiving at least one piece of live broadcast content when a current time matches the broadcast time of the respective at least one piece of live broadcast content stored in by the terminal and at least one piece of live broadcast content received by terminal, and wherein the terminal is capable of presenting at least one of the accessed at least one piece of pre-broadcast content and the accessed at least one piece of live broadcast content.

In an analogous art, Traw et al disclose wherein the schedule(schedule of a server, 0026) maintained by the continuity server also specifies at least one broadcast time(time specified in the data file broadcast schedule, 0047) the content source broadcasts at least one piece of live broadcast content(live and captured content, 0099), wherein the terminal is capable of receiving at least one piece of live broadcast content when a current time matches the broadcast time of the respective at least one piece of live broadcast content stored in by the terminal and at least one piece of live broadcast content received by terminal,

and wherein the terminal is capable of presenting at least one of the accessed at least one piece of pre-broadcast content and the accessed at least one piece of live broadcast content(a currently broadcasting data file or a data file stored in a cache memory of the client. Thus, the client 201 can stream data files, e.g. television and movies, tailored to the individual's tastes from live and captured content on a personalized channel 214 to the display device 219, with no user interaction required, except to pick the personalized channel, 0057; that means users can present live broadcast and preload broadcast by only tuning to the channel without any interaction).

In view of the teaching of Taw, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein the schedule maintained by the continuity server also specifies at least one broadcast time the content source broadcasts at least one piece of live broadcast content, wherein the terminal is capable of receiving at least one piece of live broadcast content when a current time matches the broadcast time of the respective at least one piece of live broadcast content stored in by the terminal and at least one piece of live broadcast content received by terminal, and wherein the terminal is capable of presenting at least one of the accessed at least one piece of pre-broadcast content and the accessed at least one piece of live broadcast content into the system of Watson. With that option, users will have the opportunity to receive live broadcast content and preload broadcast content according to the specified schedule of the digital asset management.

Re claim 12, Watson et al fail to disclose wherein the terminal is also capable of storing a schedule comprising the same schedule maintained by the continuity server.

In an analogous art, Traw et al disclose wherein the terminal is also capable of storing a schedule(see fig.2, element 211, storage) comprising the same

schedule maintained by the continuity server(the client receives the broadcast of data file broadcast schedule from the server,0047).

In view of the teaching of Taw, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein the terminal is also capable of storing a schedule comprising the same schedule maintained by the continuity server into the system of Watson. With such extra, user will be able to check all incoming events.

Re claim 13, Watson et al disclose wherein the schedule includes at least one slot(main menu of the user interface includes a window, 0017; that means slot) specifying broadcast of a selectable piece of pre-broadcast content at a respective broadcast time(the window which frames the video may preferably be highlighted, and selected, 0017), wherein the terminal is capable of receiving a selection of at least one piece of pre-broadcast content for the at least one slot, and thereafter modifying the schedule to specify the selected at least one piece of pre-broadcast content in the at least one slot (once selected, the window expands to full screen view. Pressing any key on the remote control or front panel, with the exception of the "Play" controls, will minimize Screen once again and return the user to the Main Menu, 0017).

Re claim 21, Watson et al fail to disclose wherein the schedule also specifies at least one broadcast time a content source broadcasts at least one piece of live broadcast content, and wherein the terminal further comprises: a receiver capable of receiving at least one piece of live broadcast content when a current time matches the broadcast time of the respective at least one piece of live broadcast content, wherein the client application is capable of accessing at least one of at least one piece of pre-broadcast content stored in the memory of the terminal and at least one piece of live broadcast content received by the receiver , and wherein the client application is capable of presenting at least one of the

accessed at least one piece of pre-broadcast content and the accessed at least one piece of live broadcast content.

In an analogous art, Traw et al disclose wherein the schedule(schedule of a server , 0026) also specifies at least one broadcast time(time specified in the data file broadcast schedule, 0047) a content source broadcasts at least one piece of live broadcast content (live and captured content, 0099), and wherein the terminal further comprises: a receiver capable of receiving at least one piece of live broadcast content when a current time matches the broadcast time of the respective at least one piece of live broadcast content, wherein the client application is capable of accessing at least one of at least one piece of pre-broadcast content stored in the memory of the terminal and at least one piece of live broadcast content received by the receiver , and wherein the client application is capable of presenting at least one of the accessed at least one piece of pre-broadcast content and the accessed at least one piece of live broadcast content(a currently broadcasting data file or a data file stored in a cache memory of the client. Thus, the client 201 can stream data files, e.g. television and movies, tailored to the individual's tastes from live and captured content on a personalized channel 214 to the display device 219, with no user interaction required, except to pick the personalized channel, 0057; that means users can present live broadcast and preload broadcast by only tuning to the channel without any interaction).

In view of the teaching of Taw, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to introduce live broadcast into the system of Watson. With that option, users will have the opportunity to receive live broadcast content and preload broadcast content according to the specified schedule of the digital asset management.

Re claim 27, Watson et al disclose wherein the memory further comprises schedule storage capable of storing the schedule.

In an analogous art, Traw et al disclose wherein the memory further comprises a schedule storage (the client receives the broadcast of data file broadcast schedule from the server, 0047) capable of storing (see fig.2, element 211, storage) the schedule.

In view of the teaching of Taw, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein the memory further comprises schedule storage capable of storing the schedule into the system of Watson. With such extra, user will be able to check all incoming events.

Re claim 28, Watson et al disclose wherein the schedule includes at least one slot(main menu of the user interface includes a window, 0017; that means slot) specifying broadcast of a selectable piece of pre-broadcast content at a respective broadcast time(the window which frames the video may preferably be highlighted, and selected, 0017) wherein the controller(microcontroller, 0121) is further capable of operating a mobile continuity application(wirelessly broadcast the data, 0044) capable of receiving a selection(selection of movies , 0264)of at least one piece of pre-broadcast content for the at least one slot, and thereafter modifying the schedule to specify the selected at least one piece of pre-broadcast content in the at least one slot(once selected, the window expands to full screen view. Pressing any key on the remote control or front panel, with the exception of the "Play" controls, will minimize Screen once again and return the user to the Main Menu, 0017).

Claim 36 recites what was discussed with respect to claim 6.

Claim 42 recites what was discussed with respect to claim 12.

Claim 43 recites what was discussed with respect to claim 13.

Re claim 51, Watson et al fail to disclose wherein the schedule also specifies at least one broadcast time a content source broadcasts at least one piece of live broadcast content , and wherein the computer program product further comprises: a fourth executable portion for receiving, at the terminal, at least one piece of live broadcast content when a current time matches the broadcast time of the respective at least one piece of live broadcast content, wherein the second executable portion is adapted to access at least one of at least one piece of pre-broadcast content stored in the memory of the terminal and at least one piece of live broadcast content received at the terminal , and wherein the third executable portion is adapted to present at least one of the accessed at least one piece of pre- broadcast content and the accessed at least one piece of live broadcast content.

In an analogous art, Traw et al disclose wherein the schedule(schedule of a server , 0026) also specifies at least one broadcast time(time specified in the data file broadcast schedule, 0047) a content source broadcasts at least one piece of live broadcast content(live and captured content, 0099), and wherein the computer program product further comprises: a fourth executable portion for receiving, at the terminal, at least one piece of live broadcast content when a current time matches the broadcast time of the respective at least one piece of live broadcast content, wherein the second executable portion is adapted to access at least one of at least one piece of pre-broadcast content stored in the memory of the terminal and at least one piece of live broadcast content received at the terminal , and wherein the third executable portion is adapted to present at least one of the accessed at least one piece of pre- broadcast content and the accessed at least one piece of live broadcast content((a currently broadcasting data file or a data file stored in a cache memory of the client. Thus, the client 201 can stream data files, e.g. television and movies, tailored to the individual's tastes from live and captured content on a personalized channel 214 to the display device 219, with no user interaction required, except to pick the personalized

channel, 0057; that means users can present live broadcast and preload broadcast by only tuning to the channel without any interaction).

In view of the teaching of Taw, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein the schedule also specifies at least one broadcast time a content source broadcasts at least one piece of live broadcast content , and wherein the computer program product further comprises: a fourth executable portion for receiving, at the terminal, at least one piece of live broadcast content when a current time matches the broadcast time of the respective at least one piece of live broadcast content, wherein the second executable portion is adapted to access at least one of at least one piece of pre-broadcast content stored in the memory of the terminal and at least one piece of live broadcast content received at the terminal , and wherein the third executable portion is adapted to present at least one of the accessed at least one piece of pre- broadcast content and the accessed at least one piece of live broadcast content into the system of Watson. With that option, users will have the opportunity to receive live broadcast content and preload broadcast content according to the specified schedule of the digital asset management.

Re claim 57, Watson et al fail to disclose wherein the first executable portion is further adapted to store the schedule.

In an analogous art, Traw et al disclose wherein the first executable portion is further adapted to store (see fig.2, element 211, storage) the schedule (the client receives the broadcast of data file broadcast schedule from the server, 0047).

In view of the teaching of Taw, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein the first executable portion is further adapted to store the

schedule into the system of Watson. With such extra, user will be able to check all incoming events.

Re claim 58, Watson et al disclose wherein the schedule includes at least one slot(main menu of the user interface includes a window, 0017; that means slot) specifying broadcast of a selectable piece of pre-broadcast content at a respective broadcast time(the window which frames the video may preferably be highlighted, and selected, 0017), and wherein the computer program product further comprises: a fourth executable portion for receiving a selection(selection of movies , 0264) of at least one piece of pre-broadcast content for the at least one slot; and a fifth executable portion for modifying(The set top box must determine if a movie is complete and update the content database, 0185) the schedule to specify the selected at least one piece of pre-broadcast content in the at least one slot(once selected, the window expands to full screen view. Pressing any key on the remote control or front panel, with the exception of the "Play" controls, will minimize Screen once again and return the user to the Main Menu, 0017).

6. Claims 9,11, 24, 26, 39, 41, 54, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson et al in view of Connelly et al, US No. 7020893.

Re claim 9, Watson et al disclose wherein the terminal is also capable of expiring (Movie Expirations, 0304; the movies are pushed down by the provider to reside passively in the box for a finite time period, 0012) each released piece of pre-broadcast content (pre-loaded, 0182) when the current time is subsequent to the broadcast time,

But fail to disclose wherein the terminal is capable of maintaining, in the memory, at least one expired piece of pre-broadcast content.

In an analogous art, Connelly et al disclose wherein the terminal is capable of maintaining, in the memory, at least one expired piece of pre-broadcast content (If a user has not watched a particular piece of content, the storage space occupied by that piece of content is generally considered not to be available for storage of another piece of content, col.14, lines 56-59).

In view of the teaching of Connelly, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein the terminal is capable of maintaining, in the memory, at least one expired piece of pre-broadcast content into the system of Watson. This option will give opportunity to users to maintain some expired piece of content in the memory.

Re claim 11, Watson et al fail to disclose wherein the terminal is capable of maintaining at least one expired piece of pre-broadcast content in the memory of the terminal, and wherein the terminal is capable of overwriting at least one expired piece of pre-broadcast content with at least one subsequent piece of pre-broadcast content.

In an analogous art, Connelly et al disclose wherein the terminal is capable of maintaining at least one expired piece of pre-broadcast content in the memory of the terminal (If a user has not watched a particular piece of content, the storage space occupied by that piece of content is generally considered not to be available for storage of another piece of content, col.14, lines 56-59), and wherein the terminal is capable of overwriting at least one expired piece of pre-broadcast content with at least one subsequent piece of pre-broadcast content (if a movie has already been watched by the user, the next treatment indicator would indicate "REPLACE" to indicate that the storage space occupied by that particular movie is available for storage of another movie, Col.15, lines 41-45).

In view of the teaching of Connelly, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein the terminal is capable of maintaining at least one expired piece of pre-broadcast content in the memory of the terminal, and wherein the terminal is capable of overwriting at least one expired piece of pre-broadcast content with at least one subsequent piece of pre-broadcast content into the system of Watson. This option will give opportunity to users to maintain some expired piece of content in the memory and replace expired content by new content.

Re claim 24, Watson et al disclose wherein the mobile continuity application (wirelessly broadcast the data, 0044) is also capable of expiring (Movie Expirations, 0304; the movies are pushed down by the provider to reside passively in the box for a finite time period, 0012) each released piece of pre-broadcast content (pre-loaded, 0182) when the current time is subsequent to the broadcast time.

But fail to disclose wherein the controller is capable of maintaining at least one expired piece of pre-broadcast content in the content storage.

In an analogous art, Connelly et al disclose wherein the controller is capable of maintaining, in the memory, at least one expired piece of pre-broadcast content (If a user has not watched a particular piece of content, the storage space occupied by that piece of content is generally considered not to be available for storage of another piece of content, col.14, lines 56-59).

In view of the teaching of Connelly, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein the controller is capable of maintaining, at least one expired piece of pre-broadcast content in the content storage into the system of Watson. This option will give opportunity to users to keep some expired piece of content in the memory.

Re claim 26, Watson et al fail to disclose wherein the controller is capable of maintaining each expired piece of pre-broadcast content in the content storage, and wherein the controller is capable of overwriting at least one expired piece of pre-broadcast content with at least one subsequent piece of pre-broadcast content.

In an analogous art, Connelly et al disclose wherein the controller is capable of maintaining each expired piece of pre-broadcast content in the content storage(If a user has not watched a particular piece of content, the storage space occupied by that piece of content is generally considered not to be available for storage of another piece of content, col.14, lines 56-59), and wherein the controller is capable of overwriting at least one expired piece of pre-broadcast content with at least one subsequent piece of pre-broadcast content(if a movie has already been watched by the user, the next treatment indicator would indicate "REPLACE" to indicate that the storage space occupied by that particular movie is available for storage of another movie, Col.15, lines 41-45).

it would have been obvious for any person of ordinary skill in the art at that time the invention was made to introduce maintaining each expired piece of pre-broadcast content in the content storage, and wherein the controller is capable of overwriting at least one expired piece of pre-broadcast content with at least one subsequent piece of pre-broadcast content into the system of Watson, as taught by Connelly, for the benefit of allowing users to keep some expired contents and to overwrite some of those expired contents.

Claim 39 recites what was discussed with respect to claim 9.

Claim 41 recites what was discussed with respect to claim 11.

Re claim 54, Watson et al disclose a fifth executable portion for expiring each released piece of pre-broadcast content when the current time is subsequent to the broadcast time(Movie Expirations , 0304; the movies are

pushed down by the provider to reside passively in the box for a finite time period, 0012).

But fail to disclose a sixth executable portion for maintaining, in the memory of the terminal, at least one expired piece of pre-broadcast content.

In an analogous art, Connelly et al disclose wherein the terminal is capable of maintaining, in the memory, at least one expired piece of pre-broadcast content (If a user has not watched a particular piece of content, the storage space occupied by that piece of content is generally considered not to be available for storage of another piece of content, col.14, lines 56-59).

In view of the teaching of Connelly, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement wherein the terminal is capable of maintaining, in the memory, at least one expired piece of pre-broadcast content into the system of Watson. This option will give opportunity to users to maintain some expired piece of content in the memory.

Re claim 56, Watson et al fail to disclose a seventh executable portion for maintaining at least one expired piece of pre-broadcast content in the memory of the terminal, wherein the sixth executable portion is adapted to overwrite at least one expired piece of pre-broadcast content maintained in memory with at least one subsequent piece of pre-broadcast content.

In an analogous art, Connelly et al disclose a seventh executable portion for maintaining at least one expired piece of pre-broadcast content in the memory of the terminal (If a user has not watched a particular piece of content, the storage space occupied by that piece of content is generally considered not to be available for storage of another piece of content, col.14, lines 56-59), wherein the sixth executable portion is adapted to overwrite at least one expired piece of pre-broadcast content maintained in memory with at least one subsequent piece of

pre-broadcast content(if a movie has already been watched by the user, the next treatment indicator would indicate "REPLACE" to indicate that the storage space occupied by that particular movie is available for storage of another movie, col.15, lines 41-45).

In view of the teaching of Connelly, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to implement a seventh executable portion for maintaining at least one expired piece of pre-broadcast content in the memory of the terminal, wherein the sixth executable portion is adapted to overwrite at least one expired piece of pre-broadcast content maintained in memory with at least one subsequent piece of pre-broadcast content into the system of Watson. This option will give opportunity to users to maintain some expired piece of content in the memory and replace expired content by new content.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Connelly et al (US. Pat. 7284064) disclose a method and an apparatus to determine broadcast content and scheduling in broadcast system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST. If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reach on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199(IN USA OR CANADA) or 571-272-1000.

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0/26/2008

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